

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

SECURITIES AND EXCHANGE  
COMMISSION,

Plaintiff,

-v-

AMERINDO INVESTMENT ADVISORS  
INC., *et al.*,

Defendants.

USDS SDNY  
DOCUMENT  
ELECTRONICALLY FILED  
DOC #:  
DATE FILED: 08-04-14

No. 05-cv-5231 (RJS)  
ORDER

RICHARD J. SULLIVAN, District Judge:

Now before the Court is the motion for compensation for services submitted by CBIZ Accounting, Tax & Advisory of New York, LLC and CBIZ Accounting, Tax & Advisory of San Diego, LLC. (Doc. No. 448.) The Court is also in receipt of memoranda of law in support of the motion submitted by the SEC (Doc. No. 450) and by the Receiver (Doc. No. 453) and a declaration in opposition to the motion submitted by Defendants (Doc. No. 449). No other interested party has submitted a memorandum or declaration in support or opposition.


Before ruling on the motion, the Court notes that it has jurisdiction over this matter. Although Defendants have filed a notice of appeal, the Court has not entered a final judgment relating to the receivership proceedings, and any appeal would therefore be improper. As a result, a notice of appeal does not divest the Court of jurisdiction. *See United States v. Rodgers*, 101 F.3d 247, 251–52 (2d Cir. 1996) (“Whatever the superficial attractiveness of a per se rule that filing of a notice of appeal automatically divests the district court of jurisdiction as to matters covered by the notice, such a rule is subject to abuse, and our application of the divestiture rule must be faithful to the principle of judicial economy from which it springs. We

fail to see any efficiency in allowing a party to halt district court proceedings arbitrarily by filing a plainly unauthorized notice of appeal which confers on this court the power to do nothing but dismiss the appeal.”)

Having reviewed the motion and the submissions in favor and in opposition to the motion, the Court determines that the compensation requested is fair and reasonable. *See SEC v. Amerindo Inv. Advisors Inc.*, No. 05-cv-5231 (RJS), 2014 WL 2112032, at \*14 (S.D.N.Y. May 6, 2014) (stating that a court may approve a plan for distribution from the receivership estate that is “fair and reasonable”). Accordingly, IT IS HEREBY ORDERED THAT the motion is GRANTED. The Clerk of the Court is respectfully directed to terminate the motion pending at docket number 448.

SO ORDERED.

Dated: August 1, 2014  
New York, New York



RICHARD J. SULLIVAN  
UNITED STATES DISTRICT JUDGE